



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Am

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,272	05/25/2000	Rocco A. DiValentino	PALM-3085.US.P	9398

49637 7590 05/04/2005

BERRY & ASSOCIATES P.C.
9255 SUNSET BOULEVARD
SUITE 810
LOS ANGELES, CA 90069

EXAMINER

MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
----------	--------------

2145

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/580,272

Applicant(s)

DIVALENTINO, ROCCO A.

Examiner

Adnan M. Mirza

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greer et al (U.S. 6,247,048), Bennett et al (U.S. 6,122,670) and Solymar et al (U.S. 6,244,758).

As per claims 1,9 Greer disclosed a method of communicating with a peripheral computer system comprising the steps of: a) said peripheral computer system creating a communication link with a host computer system using one transport mechanism of a plurality of possible transport mechanisms (col. 3, lines 65-67 & col. 4, lines 1-9); b) said host computer system recognizing said one transport mechanism used in step a); c) said host computer system determining a communication protocol from a plurality of possible communication protocols based on said one transport mechanism used in step (col. 4, lines 18-33);

However Geer did not disclose in details a), wherein said determining comprises indexing a table with said one transport mechanism recognized in said b) to determine at least one parameter in

Art Unit: 2145

the communication protocol, and wherein said table comprises parameters that are designed to improve communication based on the transport mechanisms;

In the same field of endeavor Bennett disclosed the protocol logic subsystem verifies that the IP header checksum result is correct, before the sending the data gram to IP process, via bus, protocol logic bus, i900 bridge, bus, bus interface and PCI bus. If either the IP header checksum or the TCP segment checksum results are incorrect, protocol logic subsystem discards the data gram (does not send the data gram to PCI bus) (col. 6, lines 34-43).

However Greer-Bennett did not go in details as d) said host computer system communicating information to said peripheral computer system based on said communication protocol determined at step c).

In the same field of endeavor solymar disclosed alternatively or simultaneously, client computer may be connected to the Internet through private network having gateway to the Internet or the equivalent. In alternative embodiment, client computer may be linked to Internet provider and private network via wireless links and respectively. For illustrative purposes, the communication link is a SLIP link (col. 6, lines 62-67 & col. 7, lines 1-4). The SLIP stands for Serial Link Interface Protocol.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the protocol logic subsystem verifies that the IP header checksum

Art Unit: 2145

result is correct, before the sending the data gram to IP process, via bus, protocol logic bus, i900 bridge, bus, bus interface and PCI bus. If either the IP header checksum or the TCP segment checksum results are incorrect, protocol logic subsystem discards the data gram (does not send the data gram to PCI bus). Alternatively or simultaneously, client computer may be connected to the Internet through private network having gateway to the Internet or the equivalent. In alternative embodiment, client computer may be linked to Internet provider and private network via wireless links and respectively. For illustrative purposes, the communication link is a SLIP link as taught by Bennett and Solymar in the method of Greer to increase the stability of the methodology and provides an improved means for inexpensively and reliably locating lost or stolen items.

3. As per claims 2,11 Greer-Bennett-Solymar disclosed wherein said plurality of transport mechanisms comprises: communication via a serial line coupled to said host computer; communication via a networked line coupled to said host computer using a network; communication via a wireless link to said host computer; and communication via the Internet (Solymar, col. 5, lines 34-50).

4. As per claims 3,14 Greer-Bennett-Solymar disclosed wherein said communication protocol determined at step c) restricts data volume communicated to said peripheral computer system (Greer, col. 8, lines 3-12).

Art Unit: 2145

5. As per claims 4,15 Greer-Bennett-Solymar disclosed wherein said communication protocol determined at step c) selects a particular user authentication protocol (Greer, col. 4, lines 12-18).

As per claims 5,16 Greer-Bennett-Solymar disclosed wherein said communication protocol determined at step c) selects a particular data encryption protocol performed to establish data communication between said peripheral computer system and host computer system (Solymar, col. 6, lines 45-62).

6. As per claims 6,17 Greer-Bennett-Solymar disclosed wherein said communication protocol determined at step c) selects a particular data set that can be accessed by said peripheral computer system (Greer, col. 4, lines 18-41).

7. As per claims 7,18 Greer-Bennett-Solymar disclosed wherein said peripheral computer system is a personal digital assistant (PDA) (Solymar, col. 5, lines 1-6).

8. As per claims 8,10,12,13,20,21 Greer-Bennett-Solymar disclosed further comprising the step of e) updating said plurality of communication protocols by updating said plurality of communication protocols wherein said step comprises the steps of: e1) allowing a first set of said plurality of communication protocols to be updated by a system administrator (Greer, col. 4, lines 18-41), said first set applied to all users; and e2) allowing a second set of said plurality of communication protocols to be updated by a given user accessing said host computer system

Art Unit: 2145

with said peripheral computer system, said second set applicable only to said given user (Greer, col. 3, lines 45-62).

9. As per claim 19 Greer-Bennett-Solymar disclosed a communication link, said communication link connecting said host computer system to said peripheral computer system; said communication link being made on one transport mechanism of a plurality of transport mechanisms (Greer, col. 3, lines 65-67 & col. 4, lines 1-9); architecture on said host computer system, said architecture for determining said one transport mechanism of a plurality of transport mechanisms; adaptation software residing on said host computer system, said adaptation software operable to determine a communication protocol from a plurality of communication protocols based on said one transport mechanism (Greer, col. 4, lines 18-33); communication software residing on said host computer system, said communication software operable to transfer data between said host computer system and said peripheral computer system based on said communication protocol determined by said adaptation software (Greer, col. 4, lines 12-17).

Response to Arguments

Applicant's arguments filed 10/28/2004 have been fully considered but they are not persuasive.

Response to the arguments are as follows.

10. Applicant argued that prior art did not disclose, "determining a communication protocol from a plurality of possible communication protocols based on said one transport mechanism".

Art Unit: 2145

As to applicant's argument Solymar disclosed client computer may be connected to the Internet through private network having gateway to the Internet or the equivalent. In alternative embodiment, client computer may be linked to Internet provider and private network via wireless links and respectively. For illustrative purposes, the communication link is a SLIP link (col. 6, lines 62-67 & col. 7, lines 1-4). One ordinary skill in the art at the time of the invention can interrupt the different links either wireless or respectively can be used by the client. Where as one of the communication link is a SLIP link.

11. Applicant argued that prior art did not provide motivation to combine the references in the manner claimed.

As to applicant's argument, In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Solymar in the method of Greer to increase the stability of the methodology and provides an improved means for inexpensively and reliably locating lost or stolen items. Also enables the security system to initiate a call to the host monitoring system even when the client is running a different Internet application.

12. Applicant argued that prior art did not disclose “determining at least one parameter in a communication protocol by indexing a table with one transport mechanism, wherein said table comprises parameters that are designed to improve communication, based on the transport mechanism”.

As to applicant’s arguments Bennett disclosed “Protocol Logic subsystem determines whether the connection identifier (ID) of the current command in list 42 matches the connection identifier for the currently processed datagram (step 10). (In this patent application, the term condition identifier include three quantities; receiver port number, receiver IP address and sender port number.). If the connection ID does not match, Protocol Logic subsystem selects any remaining commands in list (step 12 and 14), determines whether are commands remaining in list 42 (step 14), and passes control back to step 10. If step 10 detects the matching connection ID, Protocol logic subsystem copies the acknowledgment number in the command to TCP header field in datagram 332 (col. 19, lines 56-67 & col. 20, lines 1-3). One ordinary skill in the art at the time of the invention interpreted the list of the connection Ids as to table of the parameters.

13. Applicant argued that prior art did not disclose “ like parameters in different communication protocols are separately adjustable to adapt each communication protocol to a respective transport mechanism”.

Art Unit: 2145

As to applicant's argument Solymar disclosed "It is contemplated herein that different communication mechanisms (i.e., modem, satellite link, RF link, etc.) can be provided at several of the communication ports. In such a scenario, the agent would poll the communication ports (corresponding to the different communication mechanism) to find free communication mechanism" (col. 9, lines 22-27). One ordinary skill in the art at the time of the invention interpreted the different communication mechanism to different transport mechanism.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2145

15. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

16. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin Wallace can be reached on (571)-272-6159. The fax for this group is (703)-746-7239.

17. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

18. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

Art Unit: 2145

Commissioner of Patents and Trademarks Washington, D.C.20231

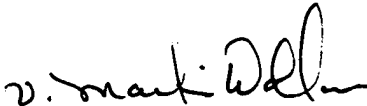
Or faxed to:

Hand-delivered responses should be brought to 4th Floor Receptionist, Crystal Park II,
2021 Crystal Drive, Arlington, VA 22202.

AM

Adnan Mirza

Examiner


VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700